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ABSTRACT

This updated search covers the ethics involved in student recordkeeping and privileged information, together with recent legal decisions in this area affecting the counselor. Abstracts of 7 documents are retrieved from the ERIC system and "Dissertation Abstracts". (SD)

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Relevant Resources in High Interest Areas

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Compiled by Ronald R. Kopita

September 1973

This search covers the ethics involved in student record keeping and privileged information, together with recent legal decisions in this area affecting the counselor.
(7 document abstracts retrieved)

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Introduction

This information packet, prepared by the ERIC Counseling and Personnel Services Center, is intended to alert the user to a body of literature on a topic of current interest to counselors. It identifies research reports that have been cited in the Educational Resources Information Center's (ERIC) publication, Research in Education (RIE), in Dissertation Abstracts International, and in ERIC's Current Index to Journals in Education (CIJE) from July 1971 through March 1973.

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ERIC Documents

ED 065 911 24 **EA 004 430**
Butler, Henry E., Jr.·· And Others
Legal Aspects of Student Records. ERIC/CEM State-of-the-Knowledge Series, Number Twelve. NOLPE Monograph Series, Number Five.
National Organization on Legal Problems of Education, Topeka, Kans.
Spons Agency—National Center for Educational Research and Development (DHEW/OE), Washington, D.C.; Oregon Univ., Eugene. ERIC Clearinghouse on Educational Management.
Bureau No—BR-8-0353
Pub Date 72
Contract—OEC-0-8-080353-3514
Note—70p.
Available from—National Organization on Legal Problems of Education, 825 Western Avenue, Topeka, Kansas 66606 ($3.50)
EDRS Price MF-$0.65 HC-$3.29
Descriptors—Board of Education Policy, Confidentiality, Confidential Records, *Court Cases, School Administration, School Law, *School Policy, State Departments of Education, *State Laws, *Student Records, *Student Rights, Student School Relationship
Identifiers—Privacy
In this monograph, the authors explore and enlighten the area of student records by researching the history, analyzing the case law, and interpreting the statutes in this sensitive field. The authors discuss the conflict between the student's right to privacy and the public's right to know and suggest a workable solution. After reviewing the history of the right to privacy, the authors analyze constitutional and statutory provisions, legal cases, and State board of education rules to determine the legal principles that govern the inspection, copying, and expunging of student records. In the appendixes, the authors have provided (1) a graphic presentation that compares State and Federal constitutions insofar as those documents apply to the individual's privacy, (2) an upto-date statutory bibliography of State statutes, and (3) a tabular summary of State department of education rules concerning student records. (Author/JF)

ED 066 044 88 **EM 010 141**
Roberts, Tommy L. And Others
The Bartlesville System; TGISS Software Documentation.
Bartlesville Public Schools, Okla.; Oklahoma State Univ., Stillwater. Research Foundation.
Spons Agency—Office of Education (DHEW), Washington, D.C.
Report No—BESE-ESEA-3; DPSC-68-5685
Pub Date Jan 70
Grant—OEG-7-8-005685-0030(056)
Note—154p.
EDRS Price MF-$0.65 HC-$6.58
Descriptors—*Computer Oriented Programs, Computers, Confidentiality, Confidential Records, Guidance Counseling, *Guidance Programs, *Guidance Services, *Information Systems, On Line Systems, *Program Descriptions, Security, Student Records
Identifiers—*Bartlesville System
TGISS (Total Guidance Information Support System) is an information storage and retrieval system specifically designed to meet the needs and requirements of a counselor in the Bartlesville Public School environment. The system, which is a combination of man/machine capabilities, includes the hardware and software necessary to extend the counselor's capabilities by providing ready access to student information under secure conditions. The functional requirement specifications for the basic retrieval system of TGISS are stated in this report along with a general description of the system including the remote terminals, central site, and data base design. Various software components are explained. The external design requirements and capabilities of the user's command language are specified, and descriptions of provisions for data base security and the television displays are included. (JY)

ED 059 501 CG 006 818
Teitelbaum, Vivien Stewart
Guidelines for Student Records: An Approach to the Problem of Privacy.
Russell Sage Foundation, New York, N.Y.
Pub Date 8 Nov 71
Note—15p.; Draft of paper presented at American Psychological Association convention, Washington, D. C., September 3-7, 1971
EDRS Price MF-$0.65 HC-$3.29
Descriptors—Confidentiality, *Confidential Records, Counselors, Credentials, *Data Sheets, *Ethics, Parent Participation, *Records (Forms), Student Personnel Workers, *Student Records
Identifiers—Russell Sage Foundation
This presentation discusses information that resulted from a conference on school record keeping. Several of the principles recommended by the conference report are: (1) no information should be collected about students without the informed consent of parents and, in some cases, the student; (2) only the highly stable information collected should appear on the permanent record card; (3) schools should establish procedures to verify the accuracy of all data maintained in their student records; (4) parents should have full access to and the right to challenge the accuracy of data on their children; and (5) no agency or persons other than the parent or school personnel who deal directly with the student concerned should have access to student data without parental or pupil permission, except in the case of a subpoena. This paper discusses some of the reasons why these principles were thought necessary, with one general reason being that counselors wanted and needed both a codification of the knowledge base of their profession and an aid to ethical practice. (TA)

ED 065 942 **EA 004 542**
Guidelines for Students Rights and Responsibilities.
New York State Education Dept., Albany.
Pub Date [72]
Note—52p.
EDRS Price MF-$0.65 HC-$3.29
Descriptors—*Administrator Responsibility, After School Activities, Confidentiality, Counseling, Discipline, Dress Codes, Freedom of Speech, Grievance Procedures, Police School Relationship, School Newspapers, Search and Seizure, Student Government, Student Organizations, *Student Participation, *Student Responsibility, *Student Rights, *Student School Relationship, *Teacher Responsibility
Identifiers—Married Students, Pregnant Students
The directives in this document provide guidance to students, parents, teachers, school administrators, school boards, and the general public for the formulation of local policies governing relations among the various groups and individuals who make up the school community. The content focuses on the personal responsibilities of these individuals and groups. The discussion is organized under (1) student involvement, (2) student government, (3) student inquiry and expression, (4) student press, (5) extra curricular activities and clubs, (6) personal appearance, (7) counseling, (8) student record files, (9) discipline, (10) search by school personnel, (11) police in schools, and (12) grievance and appeals. Descriptive explanations of the New York State Student Advisory Committee and the New York State Task Force on Student Affairs are appended. (JF)

Doctoral Dissertations

Allen, William Edward. STUDENT PERMANENT RECORD FILES: THE RIGHT TO PRIVACY RELATED TO THE CONTENT AND ACCESSIBILITY OF STUDENT RECORDS IN MASSACHUSETTS PUBLIC SCHOOLS. University of Massachusetts, 1972. Available from University Microfilms, 300 North Zeeb Road, Ann Arbor, Michigan 48106 (Order No. 72-19,486).

An increasingly important issue in modern society is that of the individual's right to privacy, and more specifically, the right to privacy related to the record keeping practices employed by governmental institutions. The issues upon which the present study focused were the historical and legal right of the individual to privacy, and the content and accessibility of student permanent record files in Massachusetts public high schools. The purposes of the study were: (1) to determine the range of practices which exist relating to the content state and national practices concerning the maintenance of student permanent record files in Massachusetts public high schools; (2) through interviews gather a concensus of opinions related to current state and national practices concerning the maintenance of student permanent record files, as well as legal interpretations and current viewpoints on the right to privacy; and (3) through an interpretation of the findings present conclusions and recommendations pertaining to an operational model for the maintenance of student permanent record files and recommendations for legislative enactment by the General Court of the Commonwealth of Massachusetts. The methods employed for gathering data were: (1) a self-administered questionnaire which was mailed to the principal of every public high school in Massachusetts; (2) personal interviews with fourteen selected individuals, all of whom were asked the same questions; and (3) a review of the related research and literature, including an extensive review of state and federal court cases, as well as state laws. The questionnaires were returned by 75.3 per cent of the public high school principals to whom they were sent. The major findings obtained from the self-administered questionnaires appear to indicate: (1) Public high schools in Massachusetts keep a wide range of information in their student permanent record files, (2) Student permanent record files are maintained in highly accessible forms, on file cards or in folders, both while the individual is a student, and long after he has graduated from or otherwise left the institution, (3) A large number of individuals and agencies (sixteen were identified) have access to student permanent record files. Many of those having access to the files have nothing to do with the education of the student. The concensus of opinion expressed by those interviewed appeared to be: (1) There is a right to privacy, (2) The student permanent record files should contain the same categories of information from school system to school system, (3)Student records should not be available to individuals who are not members of a school's professional staff without a written release from the student, if he is of "age", or, if not, his parents. (4) Some of the contents of the student file should be purged from the file within three to ten years after the individual has left the school. The review of the related research and literature generally supported the findings obtained from the questionnaire and the consensus of opinion obtained from the personal interviews. The study resulted in the formulation of two major recommendations. The first recommendation presents broad guidelines in the form of an operational model for use by secondary

school administrators for the maintenance of student permanent record files. The model includes recommendations for categories of information the file should contain, when various information in the file should be removed and destroyed after the student has left high school and conditions under which access to the student files would be granted. The second set of recommendations are presented as considerations for legislative enactment by the General Court of the Commonwealth of Massachusetts. The recommendations present a definition for the term "transcript" as used in the General Laws Chapter 71, sections 34A and 34B, suggestions for the general contents and maintenance of student files and recommendations for controlling the accessibility of student permanent record files.

Granum, Richard Allen. CONFIDENTIALITY: A LEARNING KIT TO TEACH ETHICAL PRACTICES IN COUNSELOR EDUCATION. The University of Arizona, 1972. Available from University Microfilms, 300 North Zeeb Road, Ann Arbor, Michigan 48106 (Order No. 72-31,833).

Ethical practices have been a topic of perennial interest among counselors and counselor educators. Previous studies have centered on problem identification, surveying the attitudes of counselors toward confidentiality. This study was an attempt to demonstrate that the decisions counselors make about confidential information can be influenced by an instructional program. A learning kit, a self-directed program of independent study, was selected as the instructional medium to be studied. The study sought to answer the question: What effect does a learning kit have as a means of influencing the decision counselors make relative to handling confidential counseling information? Five steps of the study included: identifying a body of knowledge, constructing the learning kit, determining the validity of the kit content, selecting an instrument to measure confidential decision-making, and field testing the learning kit. The researcher was also interested in the effect of independent study contrasted with study in small groups upon learning outcomes and the effect of pre-testing upon post-test scores. Hypothesis 1 stated that students studying in small groups would achieve greater change scores than students engaged in independent study, who in turn would earn greater change scores than a control group. Hypothesis 2 predicted reduced variance among the kit users. Hypothesis 3 predicted no effect of pre-testing upon kit users. Hypothesis 4 predicted no effect of pre-testing upon post-test scores of non-kit users. The learning kit was field tested among a group of eighty-four volunteers in the department of counseling and guidance at The University of Arizona. Subjects were randomly assigned to one of five groups. The design of the study was a variation on the Solomon Four Group design.

O_1	X_1	O_2	Independent Study Pre-Tested
O_3	X_2	O_4	Paired Study - Pre-Tested
	X_2	O_5	Paired Study - Not Pre-Tested
O_6		O_7	Pre- and Post-Test Only
		O_8	Post-Test Only

Nonparametric statistics were used to analyze the data. The results of field testing were that the kit is effective in changing the decision counselors make about releasing or retaining confidential counseling information. No difference was found between independent and paired study. Pre-Testing did not affect post-test scores. The study led to the conclusion that: (1) The field testing supports the usefulness of the learning kit in counselor education, particularly in teaching decision making about handling confidential information, (2) Students have a high level of interest in counselor ethics and confidentiality. Students regard the learning kit as an attractive means of study. Student interest was sus-

tained while using the learning kit, (3) Major instructional responsibility in counselor education can be assigned to independent study learning kits, (4) Confidential practices can be taught as a process without agonizing over the unanswerable question of what decision is most ethical.

Worzbyt, John Charles. A SURVEY OF THE KNOWLEDGE OF NEW YORK STATE CERTIFIED PUBLIC SCHOOL GUIDANCE COUNSELORS OF THEIR LEGAL RIGHTS, DUTIES, AND LIABILITIES CONCERNING THE COUNSELING FUNCTION. The University of Rochester, 1971. Available from University Microfilms, 300 North Zeeb Road, Ann Arbor, Michigan 48106 (Order No. 72-804.

A study was conducted to investigate the legal knowledge of New York State certified public school guidance counselors pertaining to the counseling functions. In addition to assessing overall knowledge, three ancillary questions were designed to investigate counselor knowledge of: (1) the legal principles which the courts follow in determining whether or not a communication (verbal or written) comes under a qualified privilege; (2) the legal and regulatory bases for the use, maintenance, and release of pupil records as prepared by the Law Division of the New York State Education Department in Albany, New York; and (3) the legal rights, duties, and liabilities of counselors (witnesses) involved in court proceedings. A secondary concern of the study was to investigate whether or not any relationship existed between counselor knowledge and any of the following six personal data variables; (1) age, (2) sex, (3) years of professional experience, (4) previous legal training, (5) geographic location, and (6) grade level responsibilities. The method used for obtaining and collecting the data for the study was a questionnaire. A three part, 24-item instrument was composed of hypothetical case situations having legal implications for counselors. Each descriptive situation was based upon pertinent legal principles common to the counseling function. The three subtests were entitled "Privileged Communication," "Pupil Records," and "Court Rights." Five hundred counselors were selected as subjects for the study. The population from which the sample was derived numbered approximately 5000. A stratified random sampling technique was used to assess a ten percent representative sample of respondents from each of eight population subgroups: New York City counselors, New York State counselors (excluding New York City), sex, and grade level responsibilities (K-8 and 9-12). Usable questionnaire data were returned by 308 (62%) counselors. The test scores were analyzed using frequency distributions, score ranges, mean scores, standard deviations, and percentages. The results of the study indicated that the respondents, as a group, were not knowledgeable of the three subtest content areas of privileged communication, pupil records, and court rights, as examined by the instrument. The mean score for the whole group was 12.8, while the critical score designating knowledge was set at 15 correct responses (62.5%) on the 24-item instrument. In addition, a minimal passing level of 51% of the group was required for the group to have been considered knowledgeable; however, only 29% (N=89) of the 308 respondents were considered knowledgeable. The results of the study also revealed that the six personal data variables had little apparent relationship to counselor knowledge, since the reported data for the whole group (N=308) were very similar to the data obtained by the variable subgroups. The data did reveal, however, a tendency for counselors who had received previous legal training to score somewhat higher on the instrument than the untrained group. An analysis of the trained subgroups also revealed that the mean scores for each of the training methods experienced by the respondents were above that

obtained for the untrained group, thus indicating that most any form of legal exposure would be of some benefit in educating counselors of their legal responsibilites related to counseling.

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